UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/585
17 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 130

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

I. INTRODUCTION

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the forty-seventh session of the General Assembly pursuant to paragraph 5 of its resolution 46/55 of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-third session, 1/ which contained the draft articles adopted at that session by the Commission on jurisdictional immunities of States and their property, as well as a report of the Secretary-General (A/47/326 and Add.1-5) containing the comments and observations submitted by States in response to the invitation contained in paragraph 2 of resolution 46/55.

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).

4. The General Assembly, in its resolution 46/55, had decided to establish at its forty-seventh session an open-ended working group of the Sixth Committee to examine, in the light of the written comments of Governments, as well as views expressed in debates at the forty-sixth session of the Assembly:

> "(a) Issues of substance arising out of the draft articles, in order to facilitate a successful conclusion of a convention through the promotion of general agreement;
>
> "(b) The question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property".

Pursuant to that decision, the Sixth Committee, at its second meeting of the forty-seventh session, on 18 September 1992, elected Mr. Carlos Calero-Rodrigues (Brazil) Chairman of the Working Group.

5. The Working Group held 10 meetings between 25 September and 6 November 1992.

6. At the 32nd meeting of the Sixth Committee, on 10 November 1992, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/47/L.10).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 32nd meeting, on 10 November 1992. The summary record of that meeting contains the views of the delegations who spoke during the consideration of the item (A/C.6/47/SR.32).

II. CONSIDERATION OF DRAFT DECISION A/C.6/47/L.11

8. At the 32nd meeting of the Sixth Committee, on 10 November 1992, the Chairman of the Working Group introduced a draft decision on the item (A/C.6/47/L.11).

9. At the same meeting, the Committee adopted draft decision A/C.6/47/L.11 without a vote (see para. 11).

10. Statements in explanation of position were made by the representatives of India and Sierra Leone.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Convention on jurisdictional immunities of States and their property

The General Assembly

(a) Takes note of the report of the Working Group 2/ established under its resolution 46/55 of 9 December 1991 to consider:

(i) Issues of substance arising out of the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session; 3/

(ii) The question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property;

(b) Decides to re-establish the Working Group in the framework of the Sixth Committee at its forty-eighth session to continue consideration of the same issues in order to facilitate the successful conclusion of a convention through the promotion of general agreement, on the understanding that two weeks starting from 27 September 1993 will be devoted at the beginning of the forty-eighth session to concentrated work, during at least ten to twelve meetings, in the Working Group;

(c) Decides to include in the provisional agenda of its forty-eighth session the item entitled "Convention on jurisdictional immunities of States and their property".

2/ A/C.6/47/L.10.

3/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.